30903. Adulteration and misbranding of egg dyes. U. S. v. 30 Dozen Packages of Egg Dyes (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 45128, 45129, 45184. Sample Nos. 47272–D, 59742–D, 59743–D.)

These dyes contained lead and one lot also contained arsenic, in amounts which might have rendered them injurious to health.

On April 3 and April 12, 1939, the United States attorneys for the Eastern District of New York, Southern District of New York, and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 30 dozen packages of egg dyes at Brooklyn, N. Y., 75 dozen packages at New York, N. Y., and 18 dozen packages of egg dyes at Washington, D. C.; alleging that the articles had been shipped in interstate commerce by Gypsy Dyes, Inc., from Chicago, Ill., within the period from on or about February 2 to on or about March 14, 1939; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Made to Comply With the Requirements of the Federal Food and Drugs Act. Gypsy Easter Egg Colors * * * Harmless."

Adulteration was alleged in that the articles contained added poisonous or deleterious ingredients, namely, lead or lead and arsenic, which might have rendered them injurious to health.

Misbranding was alleged in that the statement on the labels, "Made to Comply With the Requirements of the Federal Food and Drugs Act * * * Harmless," was false and misleading and tended to deceive and mislead the purchaser when applied to articles containing lead or arsenic.

On May 3, May 26, and June 5, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30904. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45546. Sample Nos. 55612–D, 55616–D.)

This product contained less than 80 percent of milk fat.

On June 19, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 2, 1939, by Merrick Dairy Co. from Beloit, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923.

On June 27, 1939, Karsten & Sons, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30905. Misbranding of butter. U. S. v. Fulton Butter & Egg Corporation and Julius Cohen. Pleas of guilty. Fine, $400. (F. & D. No. 42594. Sample No. 16943–D.)

This product was short of the declared weight.

On or about September 27, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fulton Butter & Egg Corporation, New York, N. Y., and Julius Cohen, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about February 18, 1938, from the State of New York into the State of Virginia, of a quantity of butter which was misbranded.

The article was alleged to be misbranded in that the statements, (box) "60 Lb. Net Weight" and (wrapper enclosing prints) "One Lb. Net," were false and misleading, since the boxes contained less than 60 pounds net weight, and the prints weighed less than 1 pound net.

On September 27, 1939, Julius Cohen entered pleas of guilty for himself and for the corporation, and the court imposed a fine of $200 against each defendant.

GROVER B. HILL, *Acting Secretary of Agriculture.*